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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,171	01/14/2004	Jagannathan Shiva Shankar	50325-0810	4826

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HICKMAN PALERMO TRUONG & BECKER, LLP  
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SAN JOSE, CA 95110

EXAMINER
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TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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01/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/758,171

Applicant(s)

SHANKAR ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 11, 21, 22, 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-20, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/29/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9, 12-18, 20, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by van Berkum (US. Pat. #: 5,579,368).

**Regarding claim 1**, van Berkum teaches a method for testing an emergency response service, the method comprising the computer-implemented steps of:

registering, with the emergency response service (i.e., SCX 16, in figure 1, col.2, lines 26-36), a first agent as a first endpoint (i.e., a second line (COM3) 36, in figure 2, as “ringing PSAP” line out of the SCX, see col.2, lines 55-59), a second agent as a second endpoint (i.e., a first line (COM2) 34 to simulate a 911 emergency call, col.2, lines 51-54), and a test location (i.e., diagnostic device 23, col.2, lines 37-41);

mapping a public emergency line to the test location (col.3, lines 31-40);

initiating a call to the public emergency line from the second agent; and

determining whether the call was properly routed by the emergency response service to the first agent (col.3, lines 41-51 and col.4, lines 30-41).

Regarding claims 2-3, note col.2, lines 31-36 and lines 56-59.

Regarding claim 4, note col.3, lines 41-51 and col.4, lines 30-41.

Regarding claims 5-7, note col.2, lines 59-63.

Regarding claim 9, note col.3, lines 52-67 and col.4, lines 42-67.

**Regarding claim 12**, van Berkum teaches a computer-readable medium carrying one or more sequence of instructions for testing an emergency response service, which instructions, when executed by one or more processors, cause the one or more processor to carry out the steps of:

registering, with the emergency response service (i.e., SCX 16, in figure 1, col.2, lines 26-36), a first agent as a first endpoint (i.e., a second line (COM3) 36, in figure 2, as “ringing PSAP” line out of the SCX, see col.2, lines 55-59), a second agent as a second endpoint (i.e., a first line (COM2) 34 to simulate a 911 emergency call, col.2, lines 51-54), and a test location (i.e., diagnostic device 23, col.2, lines 37-41);

mapping a public emergency line to the test location (col.3, lines 31-40);  
initiating a call to the public emergency line from the second agent; and  
determining whether the call was properly routed by the emergency response service to the first agent (col.3, lines 41-51 and col.4, lines 30-41).

Regarding claims 13-14, note col.2, lines 31-36 and lines 56-59.

Regarding claim 15, note col.3, lines 41-51 and col.4, lines 30-41.

Regarding claims 16-18, note col.2, lines 59-63.

Regarding claim 20, note col.3, lines 52-67 and col.4, lines 42-67.

**Regarding claim 23**, van Berkum teaches a method for testing an emergency response service, the method comprising the computer-implemented steps of:

means for registering, with the emergency response service (i.e., SCX 16, in figure 1, col.2, lines 26-36), a first agent as a first endpoint (i.e., a second line (COM3) 36, in figure 2, as “ringing PSAP” line out of the SCX, see col.2, lines 55-59), a second agent as a second endpoint (i.e., a first line (COM2) 34 to simulate a 911 emergency call, col.2, lines 51-54), and a test location (i.e., diagnostic device 23, col.2, lines 37-41);

means for mapping a public emergency line to the test location (col.3, lines 31-40);

means for initiating a call to the public emergency line from the second agent; and

means for determining whether the call was properly routed by the emergency response service to the first agent (col.3, lines 41-51 and col.4, lines 30-41).

***Regarding claim 25***, van Berkum teaches a system that can test an emergency response service, the system comprising:

a processor coupled to the network interface and receiving messages from a network through the network interface (i.e., diagnostic service 23 coupled to the SCX through its COMs and receiving calls and other call information in order to determine either calls to be routed properly by the SCX, col.2, line 51 through col.3, line 40);

a computer-readable medium comprising one or more stored sequence of instructions which, when executed by the processor, cause the processor to carry out the steps of:

registering, with the emergency response service (i.e., SCX 16, in figure 1, col.2, lines 26-36), a first agent as a first endpoint (i.e., a second line (COM3) 36, in figure 2, as “ringing PSAP” line out of the SCX, see col.2, lines 55-59), a second agent as a second

endpoint (i.e., a first line (COM2) 34 to simulate a 911 emergency call, col.2, lines 51-54), and a test location (i.e., diagnostic device 23, col.2, lines 37-41);

mapping a public emergency line to the test location (col.3, lines 31-40);

initiating a call to the public emergency line from the second agent; and

determining whether the call was properly routed by the emergency response service to the first agent (col.3, lines 41-51 and col.4, lines 30-41).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Berkum (US. Pat. #: 5,579,368) in view of Gallagher et al. (Pub. No.: US 2007/0238448).

Regarding claims 9 and 19, van Berkum fails to teach routing the call over a Voice-Over-Internet-Protocol (VOIP) network. However, Gallagher et al. ("Gallagher") teaches such features in paragraphs [0007], [0009] and [00090] for a purpose of providing emergency services to wireless subscribers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of routing the call over

VOIP network, as taught Gallagher, into view of van Berkum in order to provide emergency service to users of portable devices.

*Allowable Subject Matter*

5. Claims 10-11, 21-22, 24 and 26 are allowed.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Imperato et al. (US. Pat. #: 6,792,080) teaches a system and a method for testing enhanced 911 signalling over a digital loop carrier trunk.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or faxed to:  
(571) 273-8300  
Hand Carry Deliveries to:

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**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: December 2007